

§ 214.349

(1) Detection of approaching trains and prompt movement to a place of safety upon their approach.

(2) Determination of the distance along the track at which trains must be visible in order to provide the prescribed warning time.

(3) Rules and procedures prescribed by the railroad for individual train detection, establishment of working limits, and definite train location.

(4) On-track safety procedures to be used in the territory on which the employee is to be qualified and permitted to work alone.

(b) Initial and periodic qualification of a lone worker shall be evidenced by demonstrated proficiency.

§ 214.349 Training and qualification of watchmen/lookouts.

(a) The training and qualification for roadway workers assigned the duties of watchmen/lookouts shall include, as a minimum, consideration of the following factors:

(1) Detection and recognition of approaching trains.

(2) Effective warning of roadway workers of the approach of trains.

(3) Determination of the distance along the track at which trains must be visible in order to provide the prescribed warning time.

(4) Rules and procedures of the railroad to be used for train approach warning.

(b) Initial and periodic qualification of a watchman/lookout shall be evidenced by demonstrated proficiency.

§ 214.351 Training and qualification of flagmen.

(a) The training and qualification for roadway workers assigned the duties of flagmen shall include, as a minimum, the content and application of the operating rules of the railroad pertaining to giving proper stop signals to trains and holding trains clear of working limits.

(b) Initial and periodic qualification of a flagman shall be evidenced by demonstrated proficiency.

49 CFR Ch. II (10–1–02 Edition)

§ 214.353 Training and qualification of roadway workers who provide on-track safety for roadway work groups.

(a) The training and qualification of roadway workers who provide for the on-track safety of groups of roadway workers through establishment of working limits or the assignment and supervision of watchmen/lookouts or flagmen shall include, as a minimum:

(1) All the on-track safety training and qualification required of the roadway workers to be supervised and protected.

(2) The content and application of the operating rules of the railroad pertaining to the establishment of working limits.

(3) The content and application of the rules of the railroad pertaining to the establishment or train approach warning.

(4) The relevant physical characteristics of the territory of the railroad upon which the roadway worker is qualified.

(b) Initial and periodic qualification of a roadway worker to provide on track safety for groups shall be evidenced by a recorded examination.

§ 214.355 Training and qualification in on-track safety for operators of roadway maintenance machines.

(a) The training and qualification of roadway workers who operate roadway maintenance machines shall include, as a minimum:

(1) Procedures to prevent a person from being struck by the machine when the machine is in motion or operation.

(2) Procedures to prevent any part of the machine from being struck by a train or other equipment on another track.

(3) Procedures to provide for stopping the machine short of other machines or obstructions on the track.

(4) Methods to determine safe operating procedures for each machine that the operator is expected to operate.

(b) Initial and periodic qualification of a roadway worker to operate roadway maintenance machines shall be evidenced by demonstrated proficiency.

APPENDIX A TO PART 214—SCHEDULE OF CIVIL PENALTIES¹

Section	Violation	Willful
Subpart B—Bridge Worker Safety Standards		
214.103 Fall protection:		
(i) Failure to provide fall protection	\$5,000	\$10,000
(ii) Failure to use fall protection		2,500
214.105 Standards and practices:		
(a) General:		
(1) Fall protection used for other purposes	2,500	5,000
(2) Failure to remove from service	2,500	5,000
(3) Failure to protect from deterioration	2,500	5,000
(4) Failure to inspect and remove	5,000	10,000
(5) Failure to train	5,000	10,000
(6) Failure to provide for prompt rescue	5,000	10,000
(7) Failure to prevent damage	2,500	5,000
(8) Failure to use proper connectors	2,500	5,000
(9) Failure to use proper anchorages	2,500	5,000
(b) Fall arrest system:		
(1)–(17) Failure to provide conforming equipment	2,500	5,000
(c) Safety net systems:		
(1) Failure to install close to workplace	2,500	5,000
(2) Failure to provide fall arrest if over 30 feet	5,000	10,000
(3) Failure to provide for unobstructed fall	5,000	10,000
(4) Failure to test	2,500	5,000
(5) Failure to use proper equipment	2,500	5,000
(6) Failure to prevent contact with surface below	5,000	10,000
(7) Failure to properly install	5,000	10,000
(8) Failure to remove defective nets	5,000	10,000
(9) Failure to inspect	5,000	10,000
(10) Failure to remove objects	1,000	2,500
(11)–(13) Failure to use conforming equipment	2,500	10,000
214.107 Working over water:		
(a)(i) Failure to provide life vest	5,000	10,000
(ii) Failure to use life vest		1,500
(c) Failure to inspect	2,500	5,000
(e)(i) Failure to provide ring bouys	5,000	10,000
(ii) Failure to use ring bouys		1,500
(f)(i) Failure to provide skiff	1,000	2,500
(ii) Failure to use skiff		1,500
214.109 Scaffolding:		
(a)–(f) Failure to provide conforming equipment	2,500	5,000
214.113 Head protection:		
(a)(i) Failure to provide	2,500	5,000
(ii) Failure to use		1,500
(b) or (c) Failure to provide conforming equipment	2,500	5,000
214.115 Foot protection:		
(a)(i) Failure to require use of	2,500	5,000
(ii) Failure to use		1,500
214.117 Eye and face protection:		
(a)(i) Failure to provide	2,500	5,000
(ii) Failure to use		1,500
(b) Failure to use conforming equipment	2,500	5,000
(c) Use of defective equipment	2,500	5,000
(d) Failure to provide for corrective lenses	2,500	5,000
Subpart C—Roadway Worker Protection Rule		
214.303 Railroad on-track safety programs, generally:		
(a) Failure of a railroad to implement an On-track Safety Program	10,000	20,000
(b) On-track Safety Program of a railroad includes no internal monitoring procedure	5,000	10,000
214.305 Compliance Dates:		
Failure of a railroad to comply by the specified dates	5,000	10,000
214.307 Review and approval of individual on-track safety programs by FRA:		
(a)(i) Failure to notify FRA of adoption of On-track Safety Program	1,000	5,000
(ii) Failure to designate primary person to contact for program review	1,000	2,000
214.309 On-track safety program documents:		
(1) On-track Safety Manual not provided to prescribed employees	2,000	5,000
(2) On-track Safety Program documents issued in fragments	2,000	5,000
214.311 Responsibility of employers:		
(b) Roadway worker required by employer to foul a track during an unresolved challenge	5,000	10,000
(c) Roadway workers not provided with written procedure to resolve challenges of on-track safety procedures	5,000	10,000
214.313 Responsibility of individual roadway workers:		
(b) Roadway worker fouling a track when not necessary in the performance of duty		1,000
(c) Roadway worker fouling a track without ascertaining that provision is made for on-track safety		1,500

Section	Violation	Willful
(d) Roadway worker failing to notify employer of determination of improper on-track safety provisions		3,000
214.315 Supervision and communication:		
(a) Failure of employer to provide job briefing	2,000	10,000
(b) Incomplete job briefing	2,000	5,000
(c)(i) Failure to designate roadway worker in charge of roadway work group	2,000	5,000
(ii) Designation of more than one roadway worker in charge of one roadway work group	1,000	2,000
(iii) Designation of non-qualified roadway worker in charge of roadway work group	3,000	6,000
(d)(i) Failure to notify roadway workers of on-track safety procedures in effect	3,000	6,000
(ii) Incorrect information provided to roadway workers regarding on-track safety procedures in effect	3,000	6,000
(iii) Failure to notify roadway workers of change in on-track safety procedures	3,000	6,000
(e)(i) Failure of lone worker to communicate with designated employee for daily job briefing		1,500
(ii) Failure of employer to provide means for lone worker to receive daily job briefing	3,000	6,000
214.317 On-track safety procedures, generally:		
On-track safety rules conflict with this part	5,000	10,000
214.319 Working limits, generally:		
(a) Non-qualified roadway worker in charge of working limits	5,000	10,000
(b) More than one roadway worker in charge of working limits on the same track segment	2,000	5,000
(c)(1) Working limits released without notifying all affected roadway workers	5,000	10,000
(2) Working limits released before all affected roadway workers are otherwise protected	5,000	10,000
214.321 Exclusive track occupancy:		
(b) Improper transmission of authority for exclusive track occupancy	2,000	5,000
(b)(1) Failure to repeat authority for exclusive track occupancy to issuing employee		1,500
(2) Failure to retain possession of written authority for exclusive track occupancy		1,000
(3) Failure to record authority for exclusive track occupancy when issued		2,000
(c) Limits of exclusive track occupancy not identified by proper physical features	2,000	4,000
(d)(1) Movement authorized into limits of exclusive track occupancy without authority of roadway worker in charge	5,000	10,000
(2) Movement authorized within limits of exclusive track occupancy without authority of roadway worker in charge	5,000	10,000
(3) Movement within limits of exclusive track occupancy exceeding restricted speed without authority of roadway worker in charge	5,000	10,000
214.323 Foul time:		
(a) Foul time authority overlapping movement authority of train or equipment	5,000	10,000
(b) Failure to repeat foul time authority to issuing employee		1,500
214.325 Train coordination:		
(a) Train coordination limits established where more than one train is authorized to operate	1,500	4,000
(b)(1) Train coordination established with train not visible to roadway worker at the time		1,500
(2) Train coordination established with moving train		1,500
(3) Coordinated train moving without authority of roadway worker in charge	2,000	5,000
(4) Coordinated train releasing movement authority while working limits are in effect	3,000	6,000
214.327 Inaccessible track:		
(a) Improper control of entry to inaccessible track	3,000	6,000
(5) Remotely controlled switch not properly secured by control operator	3,000	6,000
(b) Train or equipment moving within inaccessible track limits without permission of roadway worker in charge	3,000	6,000
(c) Unauthorized train or equipment located within inaccessible track limits	2,000	5,000
214.329 Train approach warning provided by watchmen/lookouts:		
(a) Failure to give timely warning of approaching train		5,000
(b)(1) Failure of watchman/lookout to give full attention to detecting approach of train		3,000
(2) Assignment of other duties to watchman/lookout	3,000	5,000
(c) Failure to provide proper warning signal devices	2,000	5,000
(d) Failure to maintain position to receive train approach warning signal		2,000
(e) Failure to communicate proper warning signal	1,500	3,000
(f)(1) Assignment of non-qualified person as watchman/lookout	3,000	5,000
(2) Non-qualified person accepting assignment as watchman/lookout		1,500
(g) Failure to properly equip a watchman/lookout	2,000	4,000
214.331 Definite train location:		
(a) Definite train location established where prohibited	3,000	5,000
(b) Failure to phase out definite train location by required date	3,000	5,000
(d)(1) Train location information issued by unauthorized person	2,000	5,000
(2) Failure to include all trains operated on train location list	3,000	5,000
(5) Failure to clear a by ten minutes at the last station at which time is shown		2,000
(6) Train passing station before time shown in train location list	3,000	5,000
(7) Non-qualified person using definite train location to establish on-track safety	2,000	3,000
214.333 Informational line-ups of trains:		
(a) Informational line-ups of trains used for on-track safety where prohibited	3,000	5,000
(b) Informational line-up procedures inadequate to protect roadway workers	5,000	10,000
(c) Failure to discontinue informational line-ups by required date	5,000	10,000
214.335 On-track safety procedures for roadway work groups:		
(a) Failure to provide on-track safety for a member of a roadway work group	3,000	5,000
(b) Member of roadway work group fouling a track without authority of employee in charge		2,000
(c) Failure to provide train approach warning or working limits on adjacent track where required	3,000	5,000

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Section	Violation	Willful
214.337 On-track safety procedures for lone workers:		
(b) Failure by employer to permit individual discretion in use of individual train detection	5,000	10,000
(c)(1) Individual train detection used by non-qualified employee	2,000	4,000
(2) Use of individual train detection while engaged in heavy or distracting work		2,000
(3) Use of individual train detection in controlled point or manual interlocking		2,000
(4) Use of individual train detection with insufficient visibility		2,000
(5) Use of individual train detection with interfering noise		2,000
(6) Use of individual train detection while a train is passing		3,000
(d) Failure to maintain access to place of safety clear of live tracks		2,000
(e) Lone worker unable to maintain vigilant lookout		2,000
(f)(1) Failure to prepare written statement of on-track safety		1,500
(2) Incomplete written statement of on-track safety		1,000
(3) Failure to produce written statement of on-track safety to FRA		1,500
214.339 Audible warning from trains:		
(a) Failure to require audible warning from trains	2,000	4,000
(b) Failure of train to give audible warning where required	1,000	3,000
214.341 Roadway maintenance machines:		
(a) Failure of on-track safety program to include provisions for safety near roadway maintenance machines	3,000	5,000
(b) Failure to provide operating instructions	2,000	4,000
(1) Assignment of non-qualified employee to operate machine	2,000	5,000
(2) Operator unfamiliar with safety instructions for machine	2,000	5,000
(3) Roadway worker working with unfamiliar machine	2,000	5,000
(c) Roadway maintenance machine not clear of passing trains	3,000	6,000
214.343 Training and qualification, general:		
(a)(1) Failure of railroad program to include training provisions	5,000	10,000
(2) Failure to provide initial training	3,000	6,000
(b) Failure to provide annual training	2,500	5,000
(c) Assignment of non-qualified railroad employees to provide on-track safety	4,000	8,000
(d)(1) Failure to maintain records of qualifications	2,000	4,000
(2) Incomplete records of qualifications	1,000	3,000
(3) Failure to provide records of qualifications to FRA	2,000	4,000
214.345 Training for all roadway workers		
214.347 Training and qualification for lone workers		
214.349 Training and qualification of watchmen/lookouts		
214.351 Training and qualification of flagmen		
214.353 Training and qualification of roadway workers who provide on-track safety for roadway work groups		
214.355 Training and qualification in on-track safety for operators of roadway maintenance machines		

¹ A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a penalty of up to \$22,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

[57 FR 28127, June 24, 1992, as amended at 61 FR 65981, Dec. 16, 1996; 63 FR 11620, Mar. 10, 1998]

PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

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215.105 Defective axle.

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215.109 Defective plain bearing box: Journal lubrication system.

215.111 Defective plain bearing.

215.113 Defective plain bearing wedge.

215.115 Defective roller bearing.

215.117 Defective roller bearing adapter.

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